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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,470	09/29/2003	Hiroyuki Menjo	243099US90	7961

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EXAMINER

HERRERA, DIEGO D

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/671,470	<b>Applicant(s)</b> MENJO ET AL.	
	<b>Examiner</b> Diego Herrera	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 9/29/2003. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Claims 9-13 are non-statutory claims that do not follow US practices. Claim 13 is statutory and it complies with 35 USC 101 rules but since it relies on non-statutory claims 9-12 it renders the claim to be non-statutory.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Sprogis (US patent 6320495 B1).

Regarding claim 1, Sprogis discloses a winner deciding system (col. 4 lines: 8-13; Sprogis teaches deciding system in place to determine winner of game) comprising:

Information transmitting means for transmitting preliminary information related to a winning location to a mobile device used by a user (col. 3 lines: 4-18, fig. 2, element s2, Fig. 1, elements 14 and 15; Sprogis teaches transmitting means for transmitting information about clues as to where to start looking for prizes to the mobile devices or players);

Location receiving means for receiving location information specifying a location of the mobile device from the mobile device, which has received the preliminary information (col. 5 lines: 38-44, Sprogis teaches location of mobile user is received by main game master station and transmits receive location to other users requesting status of all players and their location towards the final location prize);

Winner deciding means for deciding a winning mobile device based on the received location information and the winning location (col. 4 lines: 8-13; Sprogis teaches deciding system in place to determine winner of game); and

Winning result transmitting means for transmitting a winning result at least to the decided mobile device (fig. 2 element s6, col. 4 lines: 8-13; Sprogis teaches that if

player has reached the final destination if he has complete all task he is determined the winner).

Regarding claim 5, a winner deciding method (col. 4 lines: 8-13; Sprogis teaches deciding system in place to determine winner of game) comprising:

An information transmitting step of allowing information transmitting means to transmit preliminary information related to a winning location to a mobile device used by a user (col. 3 lines: 4-18, fig. 2, element s2, Fig. 1, elements 14 and 15; Sprogis teaches transmitting means for transmitting information about clues as to where to start looking for prizes to the mobile devices or players);

A location receiving step of allowing location receiving means to receive location information specifying a location of the mobile device from the mobile device which has received the preliminary information (col. 5 lines: 38-44, Sprogis teaches location of mobile user is received by main game master station and transmits receive location to other users requesting status of all players and their location towards the final location prize);

A winner deciding step of allowing winner deciding means to decide a winning mobile device based on the received location information and the winning location (col. 4 lines: 8-13; Sprogis teaches deciding system in place to determine winner of game); and

A winning result transmitting step of allowing winning result transmitting means to transmit a winning result at least to the decided mobile device (fig. 2 element s6, col. 4

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lines: 8-13; Sprogis teaches that if player has reached the final destination if he has complete all task he is determined the winner).

Consider claims 2 & 6, and as applied to claims 1 & 5 above, Sprogis discloses wherein the preliminary information includes at least image information related to the winning location (col. 3 lines: 43-47, Sprogis teaches that at least an image information related to the winning location is transmitted as part of set of clues related to the final destination).

Consider claims 3 & 7, and as applied to claims 1 & 5 above, Sprogis discloses wherein the preliminary information includes at least sound information related to the winning location (col. 3 lines: 43-47, Sprogis teaches that at least sound information related to the winning location is transmitted as part of set of clues related to the final destination).

Consider claims 4 & 8, and as applied to claims 1 & 5 above, Sprogis discloses wherein the information transmitting means transmits the preliminary information in response to a request from the mobile device (col. 3 lines: 28-36, 51-60; Sprogis teaches players are selected due to entry request to play the game but not only that other not registered participants can also follow along via central website).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diego Herrera whose telephone number is (571) 272-0907. The examiner can normally be reached on Monday-Friday, 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G. Lester can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DH

  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER